

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK J. SULLIVAN,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION; BINONG XU,

Defendants.

24-cv-3251 (LJL)

ORDER OF SERVICE

LEWIS J. LIMAN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants denied him access to his child’s school records when she was a minor. On March 26, 2025, the Court directed service on the Department of Education, and directed Plaintiff to provide a service address for Defendant Binong Xu, the mother of his child, so that she may be properly served. *See* Dkt. No. 17. Plaintiff complied, *see* Dkt. No. 21. The Court accordingly directs service on Xu.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

To allow Plaintiff to effect service on Defendant Xu through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for this defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon this defendant of the summons and a copy of the Amended Complaint at Dkt. No. 15, at the following address:

Binong Xu
42 Chestnut Tree Hill Road
Oxford, CT 06478

If the Amended Complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

SO ORDERED.

Dated: April 16, 2025
New York, New York



LEWIS J. LIMAN
United States District Judge

SERVICE ADDRESS FOR DEFENDANT

Binong Xu

42 Chestnut Tree Hill Road

Oxford, CT 06478